



Reprinted  
January 25, 2006

## SENATE BILL No. 285

DIGEST OF SB 285 (Updated January 24, 2006 2:41 pm - DI 71)

**Citations Affected:** IC 9-13; IC 10-14.

**Synopsis:** Emergency management. Provides that vehicles owned by the department of homeland security (department), county emergency management organizations, and interjurisdictional disaster agencies may be designated as emergency vehicles. Requires the department to establish a program to certify emergency management organizations and professional emergency managers. Requires a county emergency management organization or an interjurisdictional disaster agency in which a county participates to be certified as an emergency management organization. Provides for the establishment of an interjurisdictional disaster agency advisory council. Provides for the appointment of representatives from certain organizations and units of government to a county emergency management advisory council and a interjurisdictional disaster agency advisory council. Requires a county emergency management director to be certified as a professional emergency manager.

**Effective:** July 1, 2006.

**Wyss, Craycraft, Delph**

January 9, 2006, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.  
January 17, 2006, reported favorably — Do Pass.  
January 24, 2006, read second time, amended, ordered engrossed.

SB 285—LS 6947/DI 103+



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January 25, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## SENATE BILL No. 285

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-13-2-6 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2006]: Sec. 6. "Authorized emergency vehicle"  
3 means the following:

4       (1) The following vehicles:

5           (A) Fire department vehicles.

6           (B) Police department vehicles.

7           (C) Ambulances.

8           (D) Emergency vehicles operated by or for hospitals or health  
9           and hospital corporations under IC 16-22-8.

10       (2) Vehicles designated as emergency vehicles by the Indiana  
11       department of transportation under IC 9-21-20-1.

12       (3) Motor vehicles that, subject to IC 9-21-20-2, are approved by  
13       the Indiana emergency medical services commission that are:

14           (A) ambulances that are owned by persons, firms, limited  
15           liability companies, or corporations other than hospitals; or

16           (B) not ambulances and that provide emergency medical  
17           services, including extrication and rescue services (as defined

SB 285—LS 6947/DI 103+



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1 in IC 16-18-2-110).

2 (4) Vehicles of the department of correction that, subject to  
3 IC 9-21-20-3, are:

4 (A) designated by the department of correction as emergency  
5 vehicles; and

6 (B) responding to an emergency.

7 **(5) Vehicles of the department of homeland security**  
8 **established under IC 10-19-2-1 that are designated by the**  
9 **department of homeland security as emergency vehicles.**

10 **(6) Vehicles of a county emergency management organization**  
11 **established under IC 10-14-3-17 or an interjurisdictional**  
12 **disaster agency established under IC 10-14-3-17.5 that are**  
13 **designated by the county emergency management**  
14 **organization or interjurisdictional disaster agency as**  
15 **emergency vehicles.**

16 SECTION 2. IC 10-14-3-1.5 IS ADDED TO THE INDIANA CODE  
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
18 1, 2006]: **Sec. 1.5. As used in this chapter, "disaster agency" refers**  
19 **to an interjurisdictional disaster agency.**

20 SECTION 3. IC 10-14-3-5.3 IS ADDED TO THE INDIANA CODE  
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
22 1, 2006]: **Sec. 5.3. As used in this chapter, "interjurisdictional**  
23 **agency" or "interjurisdictional disaster agency" means a disaster**  
24 **agency formed by two (2) or more political subdivisions.**

25 SECTION 4. IC 10-14-3-9 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The agency shall  
27 prepare and maintain a current state emergency operations plan. The  
28 plan may provide for the following:

29 (1) Prevention and minimization of injury and damage caused by  
30 disaster.

31 (2) Prompt and effective response to disaster.

32 (3) Emergency relief.

33 (4) Identification of areas particularly vulnerable to disaster.

34 (5) Recommendations for:

35 (A) zoning;

36 (B) building;

37 (C) other land use controls;

38 (D) safety measures for securing mobile homes or other  
39 nonpermanent or semipermanent structures; and

40 (E) other preventive and preparedness measures designed to  
41 eliminate or reduce a disaster or its impact;

42 that must be disseminated to both the fire prevention and building

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safety commission and local authorities.

(6) Assistance to local officials in designing local emergency action plans.

(7) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, conflagration, or other disaster.

(8) Preparation and distribution to the appropriate state and local officials of state catalogs of federal, state, and private assistance programs.

(9) Organization of manpower and chains of command.

(10) Coordination of federal, state, and local disaster activities.

(11) Coordination of the state disaster plan with the disaster plans of the federal government.

(12) Other necessary matters.

(b) The agency shall take an integral part in the development and revision of local and interjurisdictional disaster plans prepared under section 17 of this chapter. The agency shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions, a political subdivision's disaster agencies, and interjurisdictional planning and disaster agencies. These personnel:

(1) shall consult with subdivisions and government agencies on a regularly scheduled basis;

(2) shall make field examinations of the areas, circumstances, and conditions to which particular local and interjurisdictional disaster plans are intended to apply; and

(3) may suggest revisions.

(c) In preparing and revising the state disaster plan, the agency shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders. In advising local and interjurisdictional **disaster** agencies, the agency shall encourage local and interjurisdictional **disaster** agencies to seek advice from the sources specified in this subsection.

(d) The state disaster plan or any part of the plan may be incorporated in rules of the agency or by executive orders.

(e) The agency shall do the following:

(1) Determine requirements of the state and political subdivisions for food, clothing, and other necessities in the event of an emergency.

(2) Procure and pre-position supplies, medicines, materials, and equipment.

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(3) Adopt standards and requirements for local and interjurisdictional disaster plans.

(4) Provide for mobile support units.

(5) Assist political subdivisions, political subdivisions' disaster agencies, and interjurisdictional disaster agencies to establish and operate training programs and public information programs.

(6) Make surveys of industries, resources, and facilities in Indiana, both public and private, necessary to carry out this chapter.

(7) Plan and make arrangements for the availability and use of any private facilities, services, and property, and if necessary and if the private facilities, services, or property is used, provide for payment for the use under agreed upon terms and conditions.

(8) Establish a register of persons with types of training and skills important in emergency prevention, preparedness, response, and recovery.

(9) Establish a register of mobile and construction equipment and temporary housing available for use in a disaster emergency.

(10) Prepare, for issuance by the governor, executive orders, proclamations, and regulations necessary or appropriate in coping with disaster.

(11) Cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, preparation, response, and recovery.

(12) Do other things necessary, incidental, or appropriate to implement this chapter.

(f) The agency shall ascertain the rapid and efficient communications that exist in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating these resources into a comprehensive intrastate or state-federal telecommunications or other communications system or network. In studying the character and feasibility of any system, the agency shall evaluate the possibility of multipurpose use of the system for general state and local governmental purposes. The agency shall make appropriate recommendations to the governor.

(g) The agency shall develop a statewide mutual aid program to implement the statewide mutual aid agreement.

SECTION 5. IC 10-14-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) A political subdivision is:

(1) within the jurisdiction of; and

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(2) served by;  
a department of emergency management or by an interjurisdictional agency responsible for disaster preparedness and coordination of response.

(b) A county shall:

(1) maintain:

- (A) a county emergency management advisory council; and
- (B) a county emergency management organization **that is certified as an emergency management organization under IC 10-14-10;** or

(2) participate in an interjurisdictional disaster agency that:

- (A) except as otherwise provided under this chapter, may have jurisdiction over and serve the entire county; **and**
- (B) **is certified as an emergency management organization under IC 10-14-10.**

**(c) The following are not required to be certified as emergency management organizations under IC 10-14-10 until July 1, 2010:**

**(1) A county emergency management organization that exists on July 1, 2006.**

**(2) An interjurisdictional disaster agency in which a county participates that exists on July 1, 2006.**

**This subsection expires July 2, 2010.**

~~(c)~~ **(d)** The county emergency management advisory council consists of the following individuals or their designees:

- (1) The president of the county executive or, if the county executive does not have a president, a member of the county executive appointed from the membership of the county executive.
- (2) The president of the county fiscal body.
- (3) The mayor of each city located in the county.
- (4) An individual representing the legislative bodies of all towns located in the county.
- (5) Representatives of private and public agencies or organizations that can assist emergency management considered appropriate by the county emergency management advisory council.
- (6) One (1) commander of a local civil air patrol unit in the county or the commander's designee.

**(e) Notwithstanding subsection (c), after December 31, 2006, the county executive shall, by resolution or ordinance, appoint the members of the county emergency management advisory council in accordance with the following:**

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**(1) At least one (1) representative from each of the following categories:**

**(A) An elected county official, including a member of the county executive or a member of the county fiscal body.**

**(B) An elected city official from a city in the county, if there is a city in the county.**

**(C) An elected town official from a town in the county.**

**(D) An officer or member of a fire department located within the county.**

**(E) A law enforcement officer of the county or a unit of government in the county.**

**(F) A public health officer of the county or a unit of government in the county.**

**(G) A representative of other public and private agencies or organizations located within the county, including the local civil air patrol, a hospital or medical care provider, an emergency medical services provider, a hazardous materials response team, a public or private utility, a disaster relief organization, a local transportation agency, a search and rescue organization, a local public works agency, and a public or private airport.**

**(2) Not more than thirteen (13) members may be appointed. The number of appointments must be an odd number.**

**(3) Not more than fifty percent (50%) of the appointed members may be employed by or officers of the same political subdivision. If at least nine (9) members are appointed, not more than four (4) members may be employed by or officers of the same political subdivision.**

**(4) Appointments are not effective until approved by the department of homeland security established under IC 10-19-2.**

**~~(d)~~ (f) The county emergency management advisory council shall do the following:**

**(1) Exercise general supervision and control over the emergency management and disaster program of the county.**

**(2) Select or cause to be selected, with the approval of the county executive, a county emergency management and disaster director who:**

**(A) has direct responsibility for the organization, administration, and operation of the emergency management program in the county; and**

**(B) is responsible to the chairman of the county emergency**

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management advisory council;

(C) shall act full time in the capacity of county emergency management director;

(D) must be a full-time employee of:

(i) the county; or

(ii) one (1) of two (2) counties acting jointly under IC 36-1-7; and

(E) must be certified as a professional emergency manager under IC 10-14-9.

(g) An individual who is employed by a county as the county emergency management director on July 1, 2006, may continue to act as the county emergency management director until July 1, 2010, without:

(1) being a full-time employee of:

(A) the county; or

(B) one (1) of two (2) counties acting jointly under IC 36-1-7;

(2) being certified as a professional emergency manager; or

(3) obtaining a provisional certificate under IC 10-14-9.

This subsection expires July 2, 2010.

(~~e~~) (h) Notwithstanding any provision of this chapter or other law to the contrary, the governor may require a political subdivision to establish and maintain ~~a an interjurisdictional~~ disaster agency jointly with one (1) or more ~~contiguous~~ political subdivisions **that are contiguous to or share common territory with the political subdivision**, with the concurrence of ~~the all~~ affected political ~~divisions~~ **subdivisions**, if the governor finds that the establishment and maintenance of **or participation in** an agency ~~or participation in one~~ (~~+~~) is necessary by circumstances or conditions that make it unusually difficult to provide:

(1) disaster prevention;

(2) preparedness;

(3) response; or

(4) recovery services;

under this chapter.

(f) A political subdivision that does not have a disaster agency and has not made arrangements to secure or participate in the services of an agency shall have an emergency management director designated to facilitate the cooperation and protection of that political subdivision in the work of:

(~~1~~) disaster prevention;

(~~2~~) preparedness;

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~~(3)~~ response; and

~~(4)~~ recovery.

(i) Each political subdivision in a county shall cooperate with and participate in the services of the:

(1) county emergency management organization; or

(2) interjurisdictional disaster agency;

that serves the county. For all matters relating to emergency management, including disaster preparedness, response, and recovery, the single point of contact between the county, the political subdivisions in the county, and the agency is the county emergency management director or the interjurisdictional emergency management director, as applicable.

~~(g)~~ (j) The county emergency management and disaster director and personnel of the department may county emergency management organization shall be provided with appropriate:

(1) office space;

(2) furniture;

(3) vehicles;

(4) communications;

(5) equipment;

(6) supplies;

(7) stationery; and

(8) printing;

in the same manner as provided for personnel of other county agencies.

~~(h)~~ (k) Each local or interjurisdictional disaster agency shall:

(1) prepare; and

(2) keep current;

a local or interjurisdictional disaster emergency plan for its area.

~~(i)~~ (l) The local or interjurisdictional disaster agency shall prepare and distribute to all appropriate officials a clear and complete written statement of:

(1) the emergency responsibilities of all local agencies and officials; and

(2) the disaster chain of command.

~~(j)~~ (m) Each political subdivision may do the following:

(1) Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management and disaster purposes, provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster resulting from enemy attack, provide for a comprehensive insurance program for its emergency management volunteers, and direct and coordinate the

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development of an emergency management program and emergency operations plan in accordance with the policies and plans set by the federal emergency management agency and the state emergency management agency.

(2) Appoint, employ, remove, or provide, with or without compensation:

(A) rescue teams;

(B) auxiliary fire and police personnel; and

(C) other emergency management and disaster workers.

(3) **For a political subdivision other than a county**, establish:

(A) a primary; and

(B) one (1) or more secondary;

**direction and control centers** to serve as command posts during an emergency.

(4) Subject to the order of the governor or the chief executive of the political subdivision, assign and make available for duty the employees, property, or equipment of the political subdivision relating to:

(A) firefighting;

(B) engineering;

(C) rescue;

(D) health, medical, and related services;

(E) police;

(F) transportation;

(G) construction; and

(H) similar items or services;

for emergency management and disaster purposes within or outside the physical limits of the political subdivision. ~~and~~

(5) In the event of a national security emergency or disaster emergency as provided in section 12 of this chapter, waive procedures and formalities otherwise required by law pertaining to:

(A) the performance of public work;

(B) the entering into of contracts;

(C) the incurring of obligations;

(D) the employment of permanent and temporary workers;

(E) the use of volunteer workers;

(F) the rental of equipment;

(G) the purchase and distribution of supplies, materials, and facilities; and

(H) the appropriation and expenditure of public funds.

**(n) A county emergency management director shall appoint**

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1 staff and employees of the county emergency management  
 2 organization, if applicable. An appointment under this subsection  
 3 is subject to the approval of the county emergency management  
 4 advisory council.

5 (o) A county:

6 (1) shall establish one (1) primary; and

7 (2) may establish one (1) or more secondary;  
 8 direction and control centers to serve as command posts during an  
 9 emergency or disaster.

10 SECTION 6. IC 10-14-3-17.5 IS ADDED TO THE INDIANA  
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2006]: Sec. 17.5. (a) Each political  
 13 subdivision that seeks to establish an interjurisdictional disaster  
 14 agency shall enter into an agreement that sets forth the following:

15 (1) The duration of the interjurisdictional disaster agency.

16 (2) The establishment of an interjurisdictional disaster agency  
 17 advisory council to administer the interjurisdictional disaster  
 18 agency. The interjurisdictional disaster agency advisory  
 19 council must comply with the following:

20 (A) At least one (1) representative from each of the  
 21 following categories:

22 (i) An elected county official, including a member of the  
 23 county executive or a member of the county fiscal body.

24 (ii) An elected city official from a city in the county, if  
 25 there is a city in the county.

26 (iii) An elected town official from a town in the county.

27 (iv) An officer or member of a fire department located  
 28 within the county.

29 (v) A law enforcement officer of the county or a unit of  
 30 government in the county.

31 (vi) A public health officer of the county or a unit of  
 32 government in the county.

33 (vii) A representative of other public and private  
 34 agencies or organizations located within the county,  
 35 including the local civil air patrol, a hospital or medical  
 36 care provider, an emergency medical services provider,  
 37 a hazardous materials response team, a public or private  
 38 utility, a disaster relief organization, a local  
 39 transportation agency, a search and rescue organization,  
 40 a local public works agency, and a public or private  
 41 airport.

42 (B) Not more than thirteen (13) members may be

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1 appointed. The number of appointments must be an odd  
2 number.

3 (C) Not more than fifty percent (50%) of the appointed  
4 members may be employed by or officers of the same  
5 political subdivision. If at least nine (9) members are  
6 appointed, not more than four (4) members may be  
7 employed by or officers of the same political subdivision.

8 (D) After the initial approval of an agreement establishing  
9 the interjurisdictional disaster agency under subsection (c),  
10 new or replacement appointments are not effective until  
11 approved by the department of homeland security  
12 established under IC 10-19-2.

13 (3) The manner of financing, staffing, supplying, and  
14 maintaining a budget for the interjurisdictional disaster  
15 agency.

16 (4) The manner of acquiring, holding, and disposing of real  
17 and personal property used by the interjurisdictional disaster  
18 agency.

19 (5) The manner in which to partially or completely dissolve  
20 the interjurisdictional disaster agency.

21 (b) An interjurisdictional disaster agency advisory council  
22 established under subsection (a)(2) shall do the following:

23 (1) Exercise general supervision and control over the  
24 emergency management and disaster programs of the  
25 political subdivisions served by the interjurisdictional disaster  
26 agency.

27 (2) Select or cause to be selected an interjurisdictional  
28 emergency management director who:

29 (A) has direct responsibility for the organization,  
30 administration, and operation of the emergency  
31 management program in the political subdivisions served  
32 by the interjurisdictional disaster agency;

33 (B) shall appoint staff and employees of the  
34 interjurisdictional disaster agency subject to the approval  
35 of the interjurisdictional disaster agency advisory council;

36 (C) is responsible to the chair of the interjurisdictional  
37 disaster agency advisory council;

38 (D) shall act full time in the capacity of interjurisdictional  
39 emergency management director; and

40 (E) must be certified as a professional emergency manager  
41 under IC 10-14-9.

42 (c) The political subdivisions that enter into an agreement under

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subsection (a) shall submit the agreement to the executive director of the department of homeland security with a request to establish an interjurisdictional disaster agency consisting of the political subdivisions that have entered into the agreement. The director shall approve or deny the request. If the director approves the request, the director shall forward the request to the governor for approval.

(d) An agreement entered into under subsection (a) takes effect when:

(1) the governor approves the agreement and establishes the interjurisdictional disaster agency; and

(2) the agreement is recorded with the recorder of each county that is served by the interjurisdictional disaster agency.

A political subdivision shall file a copy of the agreement with the state board of accounts not more than sixty (60) days after the agreement takes effect.

SECTION 7. IC 10-14-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

#### **Chapter 9. Professional Emergency Manager Certification**

**Sec. 1.** As used in this chapter, "county organization" means a county emergency management organization established and maintained by a county under IC 10-14-3-17.

**Sec. 2.** As used in this chapter, "disaster agency" has the meaning set forth in IC 10-14-3-1.5.

**Sec. 3.** As used in this chapter, "emergency management director" means a county emergency management director selected under IC 10-14-3-17 or an interjurisdictional emergency management director selected under IC 10-14-3-17.5.

**Sec. 4.** As used in this chapter, "manager" refers to a professional emergency manager certified under this chapter.

**Sec. 5.** Except as provided in IC 10-14-3-17(f) and section 6 of this chapter:

(1) an emergency management director must be certified as a manager under this chapter; and

(2) a county organization or disaster agency must be supervised by an emergency management director who is certified as a manager under this chapter.

**Sec. 6. (a)** A vacancy in a position of emergency management director may be filled for not more than two (2) years by an individual with a provisional certificate.

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1       (b) On written request of the county emergency management  
2       advisory council or interjurisdictional disaster agency advisory  
3       council, the agency may issue a provisional certificate to an  
4       individual who has been selected to fill a vacancy in a position of  
5       emergency management director.

6       (c) A provisional certificate expires on the earliest of the  
7       following:

8           (1) The date the individual vacates the position of emergency  
9           management director for the county or disaster agency that  
10          requested the provisional certificate.

11          (2) The date the individual obtains certification as a manager  
12          under this chapter.

13          (3) Two (2) years after the date the provisional certificate is  
14          issued.

15       Sec. 7. (a) To be certified as a manager, an individual must:

16           (1) meet the standards for education and training established  
17           by the agency; and

18           (2) successfully complete a written competency examination  
19           approved by the agency.

20       (b) A manager certificate expires two (2) years after the date the  
21       certificate is issued. To renew a certificate, a manager must meet  
22       the education and training renewal standards established by the  
23       agency.

24       (c) A manager must comply with the standards established by  
25       the agency.

26       Sec. 8. (a) A manager shall keep the agency informed of the  
27       operations of the county organization or disaster agency that  
28       employs the manager or supervises the manager's activities.

29       (b) A manager shall report to the agency any action by a person,  
30       an organization, or another entity that may justify the revocation  
31       or suspension of a certificate issued by the agency to the person,  
32       organization, or other entity.

33       Sec. 9. The agency shall require an individual to complete:

34           (1) education and training requirements for certification as a  
35           manager; and

36           (2) continuing education and training requirements to  
37           maintain certification as a manager;

38       that are set by the agency.

39       Sec. 10. (a) The agency may establish standards and impose  
40       requirements on an education and training course used to fulfill the  
41       requirements of section 9 of this chapter, including a continuing  
42       education course.

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(b) The agency may establish a certification program for instructors who conduct an education and training course used to fulfill the requirements of section 9 of this chapter, including a continuing education course.

Sec. 11. (a) The agency shall adopt rules under IC 4-22-2 to implement this chapter.

(b) The rules adopted by the agency may establish more than one (1) level of certification for managers, with different:

- (1) education and training standards;
- (2) competency examinations; and
- (3) continuing education requirements;

established for each level.

Sec. 12. An individual who violates this chapter is subject to IC 10-14-11.

Sec. 13. An individual who violates this chapter commits a Class C infraction. Each day of violation constitutes a separate infraction.

SECTION 8. IC 10-14-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

**Chapter 10. Certification of Emergency Management Organizations**

Sec. 1. As used in this chapter, "certified emergency management organization" means:

- (1) a county organization; or
- (2) a disaster agency;

that is certified under this chapter.

Sec. 2. As used in this chapter, "county organization" means a county emergency management organization established and maintained under IC 10-14-3-17.

Sec. 3. As used in this chapter, "disaster agency" has the meaning set forth in IC 10-14-3-1.5.

Sec. 4. As used in this chapter, "emergency management director" means a county emergency management director selected under IC 10-14-3-17 or an interjurisdictional emergency management director selected under IC 10-14-3-17.5.

Sec. 5. As used in this chapter, "manager" refers to a professional emergency manager certified under IC 10-14-9.

Sec. 6. A county organization or disaster agency must meet the standards established by the agency to be certified as an emergency management organization.

Sec. 7. (a) An emergency management organization certificate

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1 expires two (2) years after the date the certificate is issued.

2 (b) A certified emergency management organization must meet  
3 the renewal requirements established by the agency to renew a  
4 certificate.

5 Sec. 8. A certified emergency management organization must be  
6 operated in a safe, efficient, and effective manner in accordance  
7 with the standards established by the agency and with the  
8 following requirements:

9 (1) If the county is required to maintain a county  
10 organization, the county shall have an emergency  
11 management advisory council in accordance with  
12 IC 10-14-3-17(b).

13 (2) An ordinance, a resolution, or another measure adopted  
14 by:

15 (A) a county to establish a county emergency management  
16 organization or an emergency management program; or

17 (B) a disaster agency to establish an emergency  
18 management program;

19 is not effective until it is approved by the agency.

20 (3) The emergency management director of a certified  
21 emergency management organization must:

22 (A) be certified as a manager under IC 10-14-9;

23 (B) act full time in the capacity of county emergency  
24 management director; and

25 (C) for a county organization, be a full-time employee of:

26 (i) the county; or

27 (ii) one (1) of two (2) counties acting jointly under  
28 IC 36-1-7.

29 (4) A certified emergency management organization must  
30 have a current disaster emergency plan in accordance with  
31 IC 10-14-3-17(j). The plan must meet the standards  
32 established by the agency.

33 (5) The agency may require the submission of periodic reports  
34 from a certified emergency management organization. A  
35 certified emergency management organization must submit  
36 the reports in the manner and with the frequency required by  
37 the agency.

38 (6) A certified emergency management organization shall  
39 report to the agency the actions of a person, an organization,  
40 or an entity that may justify the revocation or suspension of  
41 a certificate issued by the agency to the person, organization,  
42 or entity.

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1       **Sec. 9. The agency shall adopt rules under IC 4-22-2 to**  
 2       **implement this chapter.**

3       **Sec. 10. A county organization or disaster agency that violates**  
 4       **this chapter is subject to IC 10-14-11.**

5       SECTION 9. IC 10-14-11 IS ADDED TO THE INDIANA CODE  
 6       AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 7       JULY 1, 2006]:

8       **Chapter 11. Sanctions**

9       **Sec. 1. As used in this chapter, "certificate holder" means a**  
 10       **person who holds a certificate issued under IC 10-14-9 or**  
 11       **IC 10-14-10.**

12       **Sec. 2. As used in this chapter, "person" means:**

- 13           (1) an individual;
- 14           (2) a county emergency management organization established
- 15           and maintained under IC 10-14-3-17; or
- 16           (3) an interjurisdictional disaster agency in which a county
- 17           participates under IC 10-14-3-17.

18       **Sec. 3. A certificate holder must comply with the applicable**  
 19       **standards and rules established under IC 10-14-9 and IC 10-14-10.**  
 20       **A certificate holder is subject to disciplinary sanctions under**  
 21       **section 4 of this chapter if the agency determines that the**  
 22       **certificate holder:**

- 23           (1) engaged in or knowingly cooperated in fraud or material
- 24           deception in order to obtain a certificate, including cheating
- 25           on a certification examination;
- 26           (2) engaged in fraud or material deception in the course of
- 27           professional services or activities;
- 28           (3) falsified or knowingly allowed another person to falsify
- 29           attendance records or certificates of completion of continuing
- 30           education courses required under IC 10-14-9 or IC 10-14-10
- 31           or rules adopted under IC 10-14-9 or IC 10-14-10;
- 32           (4) has been or is convicted of a felony;
- 33           (5) has been or is convicted of a misdemeanor, if the act that
- 34           resulted in the conviction has a direct bearing on determining
- 35           if the certificate holder should be entrusted to act as a
- 36           professional emergency manager;
- 37           (6) fails to comply and maintain compliance with or violates
- 38           any applicable provision, standard, or other requirement of
- 39           IC 10-14-9 or IC 10-14-10 or rules adopted under IC 10-14-9
- 40           or IC 10-14-10;
- 41           (7) continues to practice after the certificate holder becomes
- 42           unfit to practice due to addiction to, abuse of, or dependency

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on alcohol or other drugs that endangers the public by  
 impairing the certificate holder's ability to practice safely;  
 (8) assists another person in committing an act that would  
 constitute a ground for disciplinary sanction under this  
 chapter if committed solely by the certificate holder; or  
 (9) allows a certificate issued by the agency to be:

(A) used by another person; or

(B) displayed to the public when the certificate is expired,  
 inactive, invalid, revoked, or suspended.

Sec. 4. The agency may issue an order under IC 4-21.5-3-6 to  
 impose at least one (1) of the following sanctions if the agency  
 determines that a certificate holder is subject to disciplinary  
 sanctions under section 3 of this chapter:

(1) Revocation of a certificate holder's certificate.

(2) Suspension of a certificate holder's certificate.

(3) Issuance of a letter of reprimand.

Sec. 5. The agency may deny certification to an applicant who  
 would be subject to disciplinary sanctions under section 4 of this  
 chapter if the applicant:

(1) were a certificate holder; or

(2) has practiced without a certificate in violation of the law.

In this denial of certification, the agency may prohibit the  
 applicant from reapplying for a certificate for a period established  
 by the agency.

Sec. 6. A decision of the agency under section 4 or 5 of this  
 chapter may be appealed to the agency under IC 4-21.5-3-7.

Sec. 7. The agency may temporarily suspend a certificate under  
 IC 4-21.5-4 before a final adjudication or during the appeals  
 process if the agency finds that a certificate holder would represent  
 a clear and immediate danger to the public's health, safety, or  
 property if the certificate holder were allowed to continue to  
 practice.

Sec. 8. The agency may reinstate a certificate that has been  
 suspended under this chapter if the agency is satisfied that the  
 applicant is able to practice with reasonable skill, competency, and  
 safety to the public. As a condition of reinstatement, the agency  
 may impose disciplinary or corrective measures authorized under  
 this chapter.

Sec. 9. The agency may not reinstate a certificate that has been  
 revoked under this chapter.

Sec. 10. The agency must be consistent in the application of  
 sanctions authorized under this chapter. Significant departures

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1 from precedent set in prior decisions involving similar conduct  
2 must be explained in the agency's findings and orders.

3 Sec. 11. A certificate holder may not surrender the certificate  
4 holder's certificate without the written approval of the agency. The  
5 agency may impose any conditions appropriate to the surrender or  
6 reinstatement of a surrendered certificate.

7 Sec. 12. The agency shall adopt rules under IC 4-22-2 to  
8 implement this chapter.

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# SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author and Senator Delph be added as coauthor of Senate Bill 285.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill No. 285, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 285 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

# SENATE MOTION

Madam President: I move that Senate Bill 285 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. "Authorized emergency vehicle" means the following:

- (1) The following vehicles:
  - (A) Fire department vehicles.
  - (B) Police department vehicles.
  - (C) Ambulances.
  - (D) Emergency vehicles operated by or for hospitals or health and hospital corporations under IC 16-22-8.
- (2) Vehicles designated as emergency vehicles by the Indiana department of transportation under IC 9-21-20-1.
- (3) Motor vehicles that, subject to IC 9-21-20-2, are approved by the Indiana emergency medical services commission that are:
  - (A) ambulances that are owned by persons, firms, limited liability companies, or corporations other than hospitals; or
  - (B) not ambulances and that provide emergency medical

SB 285—LS 6947/DI 103+



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services, including extrication and rescue services (as defined in IC 16-18-2-110).

(4) Vehicles of the department of correction that, subject to IC 9-21-20-3, are:

(A) designated by the department of correction as emergency vehicles; and

(B) responding to an emergency.

**(5) Vehicles of the department of homeland security established under IC 10-19-2-1 that are designated by the department of homeland security as emergency vehicles.**

**(6) Vehicles of a county emergency management organization established under IC 10-14-3-17 or an interjurisdictional disaster agency established under IC 10-14-3-17.5 that are designated by the county emergency management organization or interjurisdictional disaster agency as emergency vehicles."**

Page 1, line 4, delete "or a local disaster agency." and insert ".".

Page 1, delete lines 10 through 13.

Page 5, reset in roman lines 9 through 10.

Page 5, between lines 10 and 11, begin a new paragraph and insert:

**"(e) Notwithstanding subsection (c), after December 31, 2006, the county executive shall, by resolution or ordinance, appoint the members of the county emergency management advisory council in accordance with the following:**

**(1) At least one (1) representative from each of the following categories:**

**(A) An elected county official, including a member of the county executive or a member of the county fiscal body.**

**(B) An elected city official from a city in the county, if there is a city in the county.**

**(C) An elected town official from a town in the county.**

**(D) An officer or member of a fire department located within the county.**

**(E) A law enforcement officer of the county or a unit of government in the county.**

**(F) A public health officer of the county or a unit of government in the county.**

**(G) A representative of other public and private agencies or organizations located within the county, including the local civil air patrol, a hospital or medical care provider, an emergency medical services provider, a hazardous materials response team, a public or private utility, a**

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disaster relief organization, a local transportation agency, a search and rescue organization, a local public works agency, and a public or private airport.

**(2) Not more than thirteen (13) members may be appointed. The number of appointments must be an odd number.**

**(3) Not more than fifty percent (50%) of the appointed members may be employed by or officers of the same political subdivision. If at least nine (9) members are appointed, not more than four (4) members may be employed by or officers of the same political subdivision.**

**(4) Appointments are not effective until approved by the department of homeland security established under IC 10-19-2."**

Page 5, line 11, delete "(e)" and insert "(f)".

Page 5, line 31, delete "(f)" and insert "(g)".

Page 5, line 42, delete "(g)" and insert "(h)".

Page 6, line 24, delete "(h)" and insert "(i)".

Page 6, line 34, delete "(i)" and insert "(j)".

Page 7, line 4, delete "(j)" and insert "(k)".

Page 7, line 8, delete "(k)" and insert "(l)".

Page 7, line 14, delete "(l)" and insert "(m)".

Page 8, line 21, delete "(m)" and insert "(n)".

Page 8, line 26, delete "(n)" and insert "(o)".

Page 8, line 40, delete "include the following individuals, or their" and insert "**comply with the following:**

**(A) At least one (1) representative from each of the following categories:**

**(i) An elected county official, including a member of the county executive or a member of the county fiscal body.**

**(ii) An elected city official from a city in the county, if there is a city in the county.**

**(iii) An elected town official from a town in the county.**

**(iv) An officer or member of a fire department located within the county.**

**(v) A law enforcement officer of the county or a unit of government in the county.**

**(vi) A public health officer of the county or a unit of government in the county.**

**(vii) A representative of other public and private agencies or organizations located within the county, including the local civil air patrol, a hospital or medical care provider, an emergency medical services provider,**

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a hazardous materials response team, a public or private utility, a disaster relief organization, a local transportation agency, a search and rescue organization, a local public works agency, and a public or private airport.

(B) Not more than thirteen (13) members may be appointed. The number of appointments must be an odd number.

(C) Not more than fifty percent (50%) of the appointed members may be employed by or officers of the same political subdivision. If at least nine (9) members are appointed, not more than four (4) members may be employed by or officers of the same political subdivision.

(D) After the initial approval of an agreement establishing the interjurisdictional disaster agency under subsection (c), new or replacement appointments are not effective until approved by the department of homeland security established under IC 10-19-2.".

Page 8, delete lines 41 through 42.

Page 9, delete lines 1 through 15.

Page 13, line 28, after "(C)" insert "for a county organization,".

Renumber all SECTIONS consecutively.

(Reference is to SB 285 as printed January 18, 2006.)

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